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September 17, 2021

Via ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Rm 2103
New York, NY 10007

MEMO ENDORSED

Re: *A.K. et al. v. New York City Department of Education*
Case no. 1:21-cv-04428

Dear Judge Failla:

Please be advised that this firm represents the Plaintiffs in the above action.

Please accept my apologies for not filing yesterday's Case Management Plan and Joint letter. I was out for the holiday and missed the reminder in my calendar.

I know that the Defendant's attorney, Mr. Rives, has retired. I contacted Howard Krebbs from Corporation Counsel to help ascertain the new attorney assigned to this case.

At this time I would like to request that the Court adjourn the conference scheduled for September 21, 2021 at 3:30 p.m. I have settled many similar cases with the Defendant and would ask for additional time to explore settlement in this case. I do not believe that there will be any discovery, other than billing records, as this is a fee shifting case from an IDEA case. Therefore, I do not believe a Case Management Plan is necessary at this time.

Accordingly, Plaintiffs respectfully requests that the action be stayed for 90 days.

Thank you for Your Honor's kind consideration of plaintiffs' request.

Respectfully submitted,

/s/
Irina Roller
Attorney for the Plaintiffs

Cc: Howard Krebbs, Esq. (*via email*)
New York City Law Department
Attorneys for Defendants

The Court is in receipt of Plaintiffs' request for a stay of this action. The initial pretrial conference scheduled for September 21, 2021, is hereby ADJOURNED pending Defendant's response to Plaintiffs' application. Defendant is directed to submit its response on or before September 27, 2021.

Given the Court's understanding, based upon the above letter, that Defendant's counsel has retired, Plaintiffs' counsel is directed to transmit a copy of this Order to her current contact at Corporation Counsel. The Court expects that Defendant's new counsel will appear in this action in short order.

Dated: September 20, 2021 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE